IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 19616 of 2007(I)

PETITIONER:

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1. LIYAKATH ALI, S/O.MOIDEENKUTTY,
THEKKAYIL HOUSE, MUTHUVALLUR P.O., KONDOTTY,
MALAPPURAM DIST.

2. C.A.ABDURAHIMAN, NECHIYIL HOUSE,
MUTHUVALLUR P.O., KONDOTTY, MALAPURAM DISTRICT.

3. PUTHUPARAMBAN NAFEESA, PALAKKUNNU,
KARAPURAM P.O., EDAKKARA, MALAPPURAM DT-679 331.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

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1. ASSISTANT DIRECTOR, DIRECTORATE OF
ENFORCEMENT, CALICUT.

2. UNION OF INDIA REPRESENTED BY DEPUTY
DIRECTOR OF ENFORCEMENT, CHENNAI, REPRESENTED BY
THE ASSISTANT SOLICITOR GENERAL OF INDIA,
HIGH COURT OF KERALA, ERNAKULAM.

3. STATE OF KERALA REPRESENTED BY S.H.O
POLICE CIRCLE, TIRUR, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY SRI. P.PARAMESWARAN NAIR
GOVERNMENT PLEADER SRI. S.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C).No. 19616/2007

Dated this 26th day of June, 2007

JUDGMENT

The petitioners challenge the proceedings under the Foreign Exchange Management Act, 1999. The contention of the petitioners is that the entire proceedings is vitiated, since at the time of seizure of the money itself, the petitioners have proved the source which did not have any connection with any violation of the Act. After hearing the learned Counsel for the petitioners, I am not inclined to entertain this writ petition at this stage, since by Ext.P2 the appropriate authority has issued only a show cause notice to the petitioners and the petitioners have already filed reply to the same. That being so, the petitioners have to raise all their contentions before the authority who has issued Ext.P2 show cause notice.

2. Without prejudice to such rights of the petitioners this writ petition is dismissed. However, I direct the adjudicating authority, who has to decide the matter pursuant to Ext.P2, to pass final orders in the matter, as expeditiously as possible at any rate within three months from the date of receipt of a copy of this judgment.

S.SIRI JAGAN
JUDGE

mrcs